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May 22, 2024

**VIA ECF**

Hon. James R. Cho  
United States Magistrate Judge  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Tania Galarza v. SmileDirectClub, LLC, et al.*,  
Civil Action No. 1:21-cv-06958 (WFK)(JRC)

Dear Judge Cho:

This law firm represents Defendants SmileDirectClub, LLC (“SDC”), HealthCare Finance Direct, LLC (“HFD”), Periodontal Specialists, Inc. (“PSI”), and Eric Guirguis, D.D.S. (“Dr. Guirguis”) (collectively “Defendants”) in the above-referenced lawsuit. We write to request a brief adjournment of the requirement to file a Proposed Scheduling Order on May 22, 2024 and the status conference, scheduled for **May 24, 2024 at 12:00pm ET**, in accordance with Your Honor’s rules.

Stephen Haber, Esq. has advised counsel for all parties that he was recently retained to represent Defendants PSI and Dr. Guirguis in the above-captioned lawsuit. As he has only recently been retained, he relays that he still in the process of submitting the requisite substitution of counsel papers for my clients, which would substitute out Benesch Friedlander as counsel for PSI and Dr. Guirguis. Benesch Friedlander will remain counsel to Defendant HealthCare Finance Direct, LLC (“HFD”).

Mr. Haber has advised that he had intended to file a notice of appearance in this case today and seek an adjournment of the status conference and deadline to submit the scheduling order, but Mr. Haber is having some technical issues with his Pacer account and asked that the undersigned make the above request and file this letter.

An adjournment will allow Mr. Haber to get up to speed on this litigation and file the substitution papers. Additionally, as Your Honor is aware, PSI, Dr. Guirguis, and HFD have filed a dispositive motion to compel arbitration (and in the alternative, to dismiss HFD), which remains undecided. In light of Mr. Haber’s new retention as counsel for two of the defendants, as well as the dispositive motion affecting all claims against all Defendants, we believe an adjournment of the hearing set for May 24th would be appropriate, and deferring the entry of a Proposed Scheduling Order indefinitely will give the District Court the opportunity to rule on the pending motions, thus saving this Court and the parties time and expense of beginning to schedule discovery and other deadlines that may be unnecessary.

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Defendants have not previously requested an adjournment of this status conference. Counsel for Plaintiff and Mr. Haber consent to this requested adjournment.

As always, I remain available to discuss further.

Sincerely,

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP

/s/ Deana S. Stein

Deana S. Stein

cc: James Lutfy (via ECF)  
Stephen P. Haber ([sphaber@aol.com](mailto:sphaber@aol.com))